

Remarks

Claims 1, 3-13, 16-22, 25, 28, 31-34 and 36 are currently pending in the Application.

Allowable Claims

Applicant acknowledges with gratitude the Examiner's indication of allowability as to Claims 1, 3-13, 16-22, 25, 28, 31-34 and 36.

Telephone conference

Applicant thanks the Examiner for the many courtesies extended during the telephone conference held March 9, 2007. During the telephone conference it was agreed that amending Claim 34 to recite "wherein the spectral properties of the sample can be detected by detecting shift of at least one of said sidebands relative to the carrier and other sidebands" would overcome the 35 U.S.C. Section 101 rejection.

Summary of claim amendments

This response amends Claim 3 to depend from Claim 1 instead of canceled Claim 2.

This response amends Claim 36 to depend from Claim 34 instead of canceled Claim 35.

This response amends Claim 34 to clarify the language of the claim.

Finality of the Office Action

Applicant respectfully requests that the Examiner withdraw the finality of the present Office Action. According to MPEP Section 706.05 the "applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the Examiner to that end, and not be prematurely cut off in the prosecution of his or her application."

Applicant submits that he is seeking to define his invention in claims to which he is justly entitled, as evidenced by the claim amendments presented in response to the current

Office Action. Because Applicant has not dallied in the prosecution of this application and did not resort to technical or other obvious subterfuges in order to keep the application pending before the primary Examiner, Applicant respectfully requests Examiner's cooperation in obtaining protection to which Applicant is justly entitled by withdrawing the finality of the present Office Action.

Claim objections

The Examiner objects to Claims 3 and 36 for depending upon canceled claims. Applicant submits that Claims 3 and 36 have been amended and requests that the objection be withdrawn.

35 U.S.C. §101 rejection

Claims 34 and 36 stand rejected under 35 U.S.C. §101, for allegedly being directed to non-statutory subject matter. Although Applicant traverses the Examiner's rejection, in the interest of moving this application to issue, Applicant has amended Claim 34 to recite "mixing the first beam and the second beam to generate a mixed signal, the mixed signal adapted to be input to a sample whose spectral properties are to be detected, the mixed signal having a frequency spectrum comprising a carrier and sidebands, wherein the spectral properties of the sample can be detected by detecting shift of at least one of said sidebands relative to the carrier and other sidebands."

In view of the amendment, Applicant requests that the rejection be withdrawn.

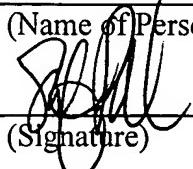
Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop AF
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March 16, 2007
(Date of Deposit)

Stefanie Pellan
(Name of Person Signing)

(Signature)

March 16, 2007
(Date)

Respectfully submitted,



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